

EUGENE KILLIAN, JR. *
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AMY E. ROBINSON



* MEMBER NJ & NY BAR
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THE KILLIAN FIRM, P. C.
ATTORNEYS AT LAW

ORDER *

May 23, 2019

VIA E-MAIL (dea_orders@njd.uscourts.gov)

Hon. Douglas E. Arpert, U.S.M.J.
Clarkson S. Fisher Federal Bldg. & United States Courthouse
Room 6000
402 E. State Street
Trenton, NJ 08608

RECEIVED
MAY 24 2019
DOUGLAS E. ARPERT
U.S. MAGISTRATE JUDGE

Re: Symetra Life Insurance Company v. JJK 2016 Insurance Trust
Civil Docket No. 18-cv-12350 (MAS)(DEA)
REQUEST FOR EXTENSION OF DISCOVERY DEADLINES

Dear Magistrate Judge Arpert:

We represent the Defendant in this action. We are writing with the consent of our adversary, Randi F. Knepper, Esq., of McElroy, Deutsch, Mulvaney & Carpenter, LLP, jointly to request a 90-day extension of the current fact discovery deadline. This is the first request for an extension. There is a telephonic status conference scheduled with Your Honor on June 5, 2019 at 10:30 AM.

By way of brief background, this case involves a dispute over the benefits under two life insurance policies. The total amount in issue is \$25 million. Symetra filed this lawsuit for a declaration that the policies should be rescinded, due to alleged misrepresentations in the application process, relating to the medical condition of the decedent, Joseph J. Krivulka. Defendant contends, in part, that there were no such misrepresentations.

For the past few months, the parties have engaged in extensive document discovery. Each side has produced voluminous documents upon the other. Numerous subpoenas have been served for information and documents from third-party witnesses, primarily Mr Krivulka's medical providers. I believe that over 20,000 documents have been produced in total to date.

Counsel for both sides have engaged in discussions regarding the scheduling of depositions. The brokers involved in the placement of the policies are located in Massachusetts. Symetra's witnesses are located in Washington state, North Carolina, and Massachusetts. We are attempting

Hon. Douglas E. Arpert, U.S.M.J.

May 23, 2019

Page 2

to reach accommodations with respect to scheduling and location of the necessary depositions. We anticipate that the depositions will be completed from now through the end of the summer.

The current fact discovery deadline in the case is June 3, 2019. Given the nature of the dispute, the voluminous documents, and the necessary depositions, it will not be feasible to meet that deadline. We therefore request that the fact discovery deadline be extended by 90 days, with a status conference to be held following the completion of fact discovery to discuss a schedule for expert discovery.

Thank you, and we look forward to speaking with Your Honor on June 5.

Respectfully submitted,

Eugene Killian, Jr.

Eugene Killian, Jr.
The Killian Firm, P.C.

Cc: Randi F. Knepper, Esq. (via e-mail)

order
The Parties' request to extend the discovery period for 90 days is GRANTED.
Counsel must meet & confer in order to agree upon and submit a Revised Scheduling Order (including dates for depositions) at least 24 hours in advance of the telephone conference on June 5, 2019.

So Ordered—
[Signature] *usm*

